

# **EXHIBIT 2**

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS  
3  
4

5 IN RE: NEW ENGLAND  
6 COMPOUNDING PHARMACY, INC. MDL No. 2419  
7 PRODUCTS LIABILITY LITIGATION Master Docket  
8 1:13-md-02419-RWZ  
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12 VIDEOTAPED DEPOSITION OF ANDREW VICKERS, R.N.  
13

14 Thursday, February 18, 2016  
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22 Reported by: Lori J. Goodin, RPR, CLR, CRR,  
23 Realtime Systems Administrator  
24

25 Assignment No. 26240



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NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY  
VIDEOTAPED DEPOSITION OF ANDREW VICKERS, R.N. on 02/18/2016

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<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3 The deposition of ANDREW VICKERS, R.N.,</p> <p>4 was convened on Thursday, February 18, 2016,</p> <p>5 commencing at 10:39 a.m., at the offices of</p> <p>6</p> <p>7 PESSIN KATZ LAW</p> <p>8 Suite 400</p> <p>9 901 Dulaney Valley Road</p> <p>10 Towson, Maryland 21204</p> <p>11</p> <p>12</p> <p>13 before Lori J. Goodin, Registered Professional</p> <p>14 Reporter, Certified LiveNote Reporter, Certified</p> <p>15 Realtime Reporter, Realtime Systems Administrator,</p> <p>16 and Notary Public in and for the State of</p> <p>17 Maryland.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 For Defendant:</p> <p>4 GREGORY KIRBY, ESQUIRE</p> <p>5 CATHERINE W. STEINER, ESQUIRE</p> <p>6 PESSIN KATZ LAW</p> <p>7 Suite 500</p> <p>8 901 Dulaney Valley Road</p> <p>9 Towson, Maryland 21204</p> <p>10 410-938-8800</p> <p>11 gkirby@pklaw.com</p> <p>12 csteiner@pklaw.com</p> <p>13</p> <p>14</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 Meeko Goodhill, videographer</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 For Plaintiffs:</p> <p>4 MICHAEL COREN, ESQUIRE</p> <p>5 HARRY ROTH, ESQUIRE (via telephone)</p> <p>6 COHEN PLACITELLA &amp; ROTH, P.C.</p> <p>7 2001 Market Street</p> <p>8 Suite 2900</p> <p>9 Philadelphia, PA 19103</p> <p>10 215-567-3500</p> <p>11 hroth@cpirlaw.com</p> <p>12 mcoren@cpirlaw.com</p> <p>13</p> <p>14 And Co-counsel:</p> <p>15 PATRICIA KASPUTYS, ESQUIRE</p> <p>16 SHARON L. HOUSTON, ESQUIRE</p> <p>17 LAW OFFICES OF PETER G. ANGELOS</p> <p>18 One Charles Center</p> <p>19 100 North Charles Street</p> <p>20 22nd Floor</p> <p>21 Baltimore, Maryland 21201</p> <p>22 410-649-2000</p> <p>23 pjklaw@lawpga.com</p> <p>24 shouston@lawpga.com</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 CONTENTS</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 Ms. Kasputys 8</p> <p>4 Mr. Coren 101</p> <p>5</p> <p>6 INDEX OF EXHIBITS</p> <p>7 NO. DESCRIPTION PAGE</p> <p>8 Exhibit 1136 Notice of Deposition 12</p> <p>9 Exhibit 1137 CV/job description of 15</p> <p>10 Andrew Vickers</p> <p>11 Exhibit 1138 Policies and Procedures 35</p> <p>12 Manual Review &amp; Revision log</p> <p>13 Exhibit 1139 BHSC 00964-965, Box Hill 43</p> <p>14 Surgery Center Infection</p> <p>15 Control Program</p> <p>16 Exhibit 1140 BHSC 000189, log used to 78</p> <p>17 contact patients</p> <p>18 Exhibit 1141 BHSC 000212, provider 85</p> <p>19 schedule with handwritten notes</p> <p>20 Exhibit 1142 BHSC 000002, packing slip 91</p> <p>21 with lot numbers to return</p> <p>22 in Vickers' handwriting</p> <p>23 Exhibit 1143 BHSC 000003, packing slip, 94</p> <p>24 9/25/2012, Lot 08102012 and</p> <p>25 08132012</p>



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<p>1 EXHIBITS CONTINUED</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 Exhibit 1144 BHSC 000004, packing slip 94</p> <p>4 also from 9/25/2012</p> <p>5 Exhibit 1145 BHSC 00277, performance 102</p> <p>6 evaluation</p> <p>7 Exhibit 1146 order form for NECC 106</p> <p>8 Exhibit 1147 prescription order form, 115</p> <p>9 4/5/2011</p> <p>10 Exhibit 1148 Fax transmission 119</p> <p>11 verification report</p> <p>12 Exhibit 1149 Order form of 8/17/2011 120</p> <p>13 Exhibit 1150 2-page NECC form with 121</p> <p>14 computer-generated list</p> <p>15 Exhibit 1151 BHSC 000921-000963, Box 134</p> <p>16 Hill Surgery Center Incident</p> <p>17 Report Log</p> <p>18 Exhibit 1152 Photo of NECC's facility in 165</p> <p>19 Framingham, MA</p> <p>20 Exhibit 1153 Photo of inside NECC's 168</p> <p>21 facility, 12/2012</p> <p>22</p> <p>23 (Original exhibits attached to the</p> <p>24 original transcript.)</p> <p>25</p>	<p>1 plaintiffs in the MDL.</p> <p>2 MR. COREN: Michael Coren. I am an</p> <p>3 attorney with the firm of Cohen Placitella &amp;</p> <p>4 Roth in Philadelphia and Red Bank, New Jersey.</p> <p>5 I represent Brenda Rozek and various</p> <p>6 other plaintiffs.</p> <p>7 MS. STEINER: Catherine Steiner on</p> <p>8 behalf of Ritu Bhambhani, M.D., Ritu</p> <p>9 Bhambhani, M.D., LLC, and Box Hill Surgery</p> <p>10 Center, LLC.</p> <p>11 MR. KIRBY: And Gregory Kirby</p> <p>12 representing the same defendants.</p> <p>13 THE VIDEOGRAPHER: Anybody on the</p> <p>14 phone want to introduce themselves for the</p> <p>15 record, please?</p> <p>16 MR. ROTH: I am Harry Roth. I am on</p> <p>17 the phone, but I am going to be on mute.</p> <p>18 ANDREW VICKERS, R.N.,</p> <p>19 a witness called for examination, having been</p> <p>20 first duly sworn, was examined and testified as</p> <p>21 follows:</p> <p>22 EXAMINATION</p> <p>23 BY MS. KASPUTYS:</p> <p>24 Q. Good mornings again Mr. Vickers. As</p> <p>25 I said I am Patty Kasputys. I am going to be</p>
Page 7	Page 9
<p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are now on</p> <p>3 record. This is Tape Number 1 to the</p> <p>4 videotaped deposition of Andrew Vickers,</p> <p>5 taken in the matter of In Re: Compounding</p> <p>6 Pharmacy, Inc. products liability litigation.</p> <p>7 This deposition is being held at</p> <p>8 Pessin Katz Law, located at 901 Dulaney Road,</p> <p>9 Towson, Maryland 21204, on Thursday,</p> <p>10 February 18, 2016, at 10:39 a.m.</p> <p>11 My name is Meeko Goodhill and I am</p> <p>12 the videographer. The court reporter today</p> <p>13 is Lori Goodin.</p> <p>14 Counsel please introduce yourselves</p> <p>15 for the record.</p> <p>16 MS. KASPUTYS: I am Patricia</p> <p>17 Kasputys, and I am an attorney with the Law</p> <p>18 Offices of Peter Angelos and I am</p> <p>19 representing seven of the plaintiffs who have</p> <p>20 filed lawsuits which are pending in the</p> <p>21 multi-district litigation in federal court in</p> <p>22 Boston, Massachusetts.</p> <p>23 MS. HOUSTON: I am Sharon Houston.</p> <p>24 I am an attorney with the Law Offices of</p> <p>25 Peter Angelos. I'm representing multiple</p>	<p>1 asking you a number of questions today and to</p> <p>2 begin with I would like to just ask you a couple</p> <p>3 of general questions and then maybe we can short</p> <p>4 circuit some of the other questions.</p> <p>5 Have you ever had your deposition</p> <p>6 taken before?</p> <p>7 A. Yes, I have.</p> <p>8 Q. So, are you familiar with the</p> <p>9 general practice of a deposition where I ask</p> <p>10 questions, other attorneys will ask questions,</p> <p>11 and you are required to give answers that are not</p> <p>12 with the head shaking up and down or side to</p> <p>13 side, you have to give verbal responses?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And have you ever had to have</p> <p>16 your deposition taken by videotape before?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Okay. And, how many times has your</p> <p>19 deposition been taken?</p> <p>20 A. One time.</p> <p>21 Q. Okay. And was that deposition in</p> <p>22 litigation similar to that which you are</p> <p>23 appearing here for today?</p> <p>24 A. Yes, it was a potential malpractice</p> <p>25 suit.</p>



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<p style="text-align: right;">Page 70</p> <p>1 with patients at Box Hill, any steroid medication</p> <p>2 from Harford County Ambulatory Surgery Center?</p> <p>3 MS. STEINER: Objection as to form</p> <p>4 and foundation. I think it was somewhat of a</p> <p>5 convoluted question.</p> <p>6 BY MS. KASPUTYS:</p> <p>7 Q. Did you understand the question?</p> <p>8 A. Can you repeat it.</p> <p>9 Q. Okay. I will try. While at Box</p> <p>10 Hill Surgery Center, did you order any steroid</p> <p>11 medication from Harford County Ambulatory Surgery</p> <p>12 Center for use by patients at Box Hill?</p> <p>13 MS. STEINER: Objection as to form.</p> <p>14 THE WITNESS: Answer?</p> <p>15 MS. STEINER: Yes.</p> <p>16 THE WITNESS: Not order, but I would</p> <p>17 obtain some if we were short. If we had more</p> <p>18 cases and we didn't have our shipment from</p> <p>19 NECC.</p> <p>20 But it wasn't referred to in any</p> <p>21 particular -- my language for steroid is</p> <p>22 steroid. Whether it is methylprednisolone,</p> <p>23 whether it was Depo-Medrol, even to this day,</p> <p>24 it is steroid.</p> <p>25 BY MS. KASPUTYS:</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Like I said, I can't recall the</p> <p>2 dates or the amount of times.</p> <p>3 I know in, I can't remember, if it</p> <p>4 was after the recall or before, it would have</p> <p>5 been within a month of that recall that we did</p> <p>6 obtain some from Harford County.</p> <p>7 Q. And, after you placed the call, how</p> <p>8 was it that the drug was, the steroid was</p> <p>9 procured?</p> <p>10 A. I would pick it up.</p> <p>11 Q. Did you personally pick it up?</p> <p>12 A. Yes.</p> <p>13 Q. You said a moment ago, I believe,</p> <p>14 that you either borrowed it or you purchased it?</p> <p>15 A. Right.</p> <p>16 Q. On that occasion did you borrow it</p> <p>17 or purchase it?</p> <p>18 A. I can't recall. If it was</p> <p>19 purchased, she would have invoiced Dr. Bhambhani.</p> <p>20 Q. Uh-huh.</p> <p>21 A. If it was borrowed, we would have</p> <p>22 replaced it.</p> <p>23 Q. Would there be an invoice that</p> <p>24 tracks that?</p> <p>25 MS. STEINER: Objection as to</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. And if you found that there was a</p> <p>2 shortage, what would you do? Would you call?</p> <p>3 A. I would give them a call and ask if</p> <p>4 they had any extra that we could borrow, either</p> <p>5 to replace or purchase.</p> <p>6 Q. Who was it that you called?</p> <p>7 A. I would call Barbara.</p> <p>8 Q. Barbara Wagner?</p> <p>9 A. Wagner, yes.</p> <p>10 Q. Did you recall how many times you</p> <p>11 did that during your employment at Box Hill</p> <p>12 Surgery Center between 2008 and September 26th,</p> <p>13 of 2012.</p> <p>14 MS. STEINER: Well let me just</p> <p>15 object. He has indicated that he wasn't</p> <p>16 there in 2008 at all.</p> <p>17 MS. KASPUTYS: You are right.</p> <p>18 BY MS. KASPUTYS:</p> <p>19 Q. 2009.</p> <p>20 A. I say more than one less than ten.</p> <p>21 I really couldn't give you --</p> <p>22 Q. Did you do it in 2010?</p> <p>23 A. I can't recall.</p> <p>24 Q. Do you recall whether you did it in</p> <p>25 2011?</p>	<p style="text-align: right;">Page 73</p> <p>1 foundation.</p> <p>2 THE WITNESS: There would be. But</p> <p>3 I'm not sure if, who would have that.</p> <p>4 BY MS. KASPUTYS:</p> <p>5 Q. Could there be a document, other</p> <p>6 than an invoice? For example, a memorandum, or</p> <p>7 an e-mail?</p> <p>8 A. I don't believe so.</p> <p>9 Q. For the Box Hill Surgery Center</p> <p>10 procedures on patients receiving in steroid</p> <p>11 injections, were those procedures done at one</p> <p>12 location or more than one locations, or more than</p> <p>13 one location?</p> <p>14 MS. STEINER: Up until the end of</p> <p>15 September of 2012.</p> <p>16 BY MS. KASPUTYS:</p> <p>17 Q. Correct.</p> <p>18 A. Just one location.</p> <p>19 Q. And was that the Walter Boulevard</p> <p>20 location?</p> <p>21 A. Walter Ward Boulevard.</p> <p>22 Q. Okay. Between 2009, and I will</p> <p>23 represent to you that Dr. Bhambhani testified</p> <p>24 that between 2009 and 2012 the patients had a</p> <p>25 choice between, her patients had a choice between</p>



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